

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, April 19, 2006

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, April 19, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Young called the meeting to order. Present in addition to Mr. Young, were Commissioners Kafes, Hertzler, McBeth, and Rose. Absent was Commissioner Pons. Staff members present were Zoning Administrator Murphy, Assistant City Attorney Workman, and Secretary Scott.

MINUTES

Mr. Rose moved that the minutes of the March 15 regular meeting and the April 5 and 10 work sessions be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: McBeth, Hertzler, Kafes, Young, Rose

Nay: None

Absent: Pons

CONSENT AGENDA

SPR #06-007: Chesapeake Bank, 1229 Lafayette Street – new office building. The Commission approved the site plan by a vote of 5-0.

As a member of the Site Plan Review Committee, Commissioner McBeth stated the Committee found the plan met all the requirements and therefore she moved that the Commission approve it with the following conditions:

1. Recordation of a plat extinguishing the interior property lines prior to the issuance of any land disturbing or building permits for the project.
2. Obtaining a VSMP permit from the State prior to the issuance of any building or land disturbing permits for the project.
3. Obtaining a City right-of-way permit from Public Works for the proposed work on Lafayette Street.
4. Submitting a BMP maintenance agreement and the purchasing of regional access credits in the amount of \$3,050.00 from the City prior to the issuance of any land disturbing or building permits for the project.
5. Certification by a licensed professional that the construction of the BMP is in accordance with the approved site plan prior to the issuance of a certificate of occupancy for the site.

6. Providing an agreement between Walgreen's and Chesapeake Bank to the City that allows the diversion of the drainage into the Walgreen's system allowable prior to the issuance of any land disturbing or building permits for the project.

Mr. Rose seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: McBeth, Hertzler, Kafes, Young, Rose

Nay: None

Absent: Pons

PUBLIC HEARINGS

PCR #06-005: Request of W-JCC Public Schools for a special use permit to place a double-wide classroom trailer (two classrooms) at Matthew Whaley Elementary School, 301 Scotland Street. The property is zoned RDT Downtown Residential District. The Commission recommended approval by a vote of 3-2.

Zoning Administrator Murphy introduced the request for a special use permit noting that the applicant considered ten options to remedy the overcrowding problem and an option that includes the proposed classroom trailer (two classrooms) is the best choice, "based primarily on the educational needs of the students." She said that although the Planning Director or Planning Commission may require a traffic impact analysis, public utility analysis, and/or a fiscal impact analysis, planning staff does not feel that any of these additional studies are needed in order to make a decision on the request.

Mrs. Murphy said the Site Plan Review Committee reviewed the request on March 22 and was concerned about the visibility of the proposed trailer from the Lafayette Street/North Henry Street intersection, as well as from the adjoining Governor's Palace garden. Since that meeting, the applicant has submitted photographs of a number of different views of the site. These photographs are included in the Commission's packets and the applicant's representatives are present today.

Mr. Kafes asked why the school division is applying for approval for only a one-year period of time, and Mrs. Murphy responded that there is a new elementary school that will be opening at that time.

Noting that Matthew Whaley School is listed on the *National Register*, Mrs. McBeth expressed concern regarding the school's continued eligibility. Mrs. Murphy said they will not lose their eligibility in a one-year period of time. Alan Robertson, WJC Schools Facilities Manager, added that the new school had originally been scheduled to open in the fall of 2008, but due to increased enrollment the date has been moved up to the fall of 2007. He stated the site work is currently out for bids and the school division is going to extraordinary measures to open in the fall of 2007. He said there may be a need for

a short delay in opening, maybe October rather than September, but they feel confident in the announced date of fall of 2007.

Mrs. McBeth again raised the concern about the *National Register* designation. Matthew Whaley principal, Andy Jacobs, stated that the designation is for the building itself, so the concern is really a non-issue.

With the recent confirmation of *Design Review Guidelines*, Mr. Young observed it is unfortunate to have a hardiplank trailer at this location. Mr. Robertson reiterated that the school division looked at ten options and found this one to be the best for the students and their learning environment.

Mr. Hertzler said his daughter attends the school and he likes the fact that she's surrounded by amazing architecture. He loves Matthew Whaley, cares about what the kids see going in and out of the building, and wants the trailer to go away just as soon as possible. Mr. Robertson agreed with Mr. Hertzler and added that if the new school isn't ready in the fall of 2007, there will be many problems, not just at Matthew Whaley.

Mr. Young asked what happens if the school division finds they need an extension beyond the approved one year. Mrs. Murphy responded that the applicant has the right to return with a request for the extension and the Commission has the right not to approve the request. Assistant City Attorney, Christina Workman confirmed Mrs. Murphy's statement.

Mr. Young said he would support the request if the time designation was not open ended; he also noted that the trailer does not conform to Comprehensive Plan standards. Bruce Abbott, AES Consulting Engineers, responded that the request is not open-ended because the special use permit establishes a set time frame for the approval. Mr. Hertzler said he was inclined to grant approval for a two-year period; kids have to have space.

Mrs. McBeth stated that two years ago the school division was told to redistrict out of Matthew Whaley and she wondered why this hadn't been done. She said she doesn't have confidence in the one-year period and added that they need to do something proactive. Mr. Robertson responded that after an eight month observation period a redistricting committee has been in place for at least one year. He added that there was some spot rezoning done, but they decided to wait on additional rezoning so that children would need to make only one move.

When Mr. Young asked what the school division will do if City Council doesn't approve the special use permit, Mr. Jacobs responded they would need to put a band-aid on the problem by using the music room and auditorium; they could continue to do as they are doing this year. Mr. Robertson added that if the special use permit is not approved by City Council it would create a situation at Matthew Whaley that is not present at other schools in the division.

Mr. Hertzler asked what effect taking a portion of the playground away for use as the trailer site would have and Mr. Jacobs responded that the portion of the playground proposed for the site is really not used by students at all except for fire drills. He added that the playground is not impacted by the addition of the trailer and he is perfectly comfortable with the location.

Chairman Young opened the public hearing.

There being no comment the public hearing was closed.

Mr. Rose moved that Planning Commission recommend to City Council that a special use permit be approved to allow a double-wide classroom trailer (two classrooms) at Matthew Whaley School, 301 Scotland Street, for a one-year period beginning July 1, 2006 and expiring on July 1, 2007, to be located in accordance with the site plan titled "SITE PLAN – TRAILER CLASSROOMS, MATTHEW WHALEY ELEMENTARY SCHOOL, WILLIAMSBURG/JAMES CITY COUNTY SCHOOLS," dated 2/27/06, prepared by AES Consulting Engineers.

Mr. Hertzler seconded the motion which carried by roll call vote of 3-2.

Recorded vote on the motion:

Aye: Hertzler, Kafes, Rose

Nay: McBeth, Young

Absent: Pons

Mr. Kafes said it would make it easier for all involved if the applicant comes back to the Commission as soon as possible if they find they do need a time extension.

PCR #06-008: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, by revising Sec. 21-29, Violation and Penalty, by specifying the persons responsible for violations of the Zoning Ordinance. The Commission recommended approval of the revision with the one modification by a vote of 5-0.

Assistant City Attorney, Christina Workman, stated that the proposed amendment is intended to clarify the current ambiguity in Section 21-29 of the Zoning Ordinance. The revision would clarify that a property owner can be held responsible for a zoning violation since the owner has the ultimate control and authority over the development, maintenance, use and occupancy of the property.

Chairman Young opened the public hearing.

There being no comment from the audience the public hearing was closed.

Mr. Kafes and Ms. Workman discussed the specific language of sections of the proposed amendment and potential problems with enforcement. Mr. Hertzler noted the fines of \$100 for the initial summons and \$150 for each additional summons and Mr. Kafes suggested the inclusion of language in the amendment that would automatically provide for a fee increase.

Mr. Kafes also suggested language that would clarify the term "tenant" which appears in paragraph D of the proposed amendment. Ms. Workman agreed that Mr. Kafes had a valid point.

Mr. Rose moved that the Commission recommend that Sec. 21-29 of the Zoning Ordinance be revised as submitted with the change to paragraph D to make it clear that the "tenant" refers to one who occupied either residential or commercial property.

Mrs. McBeth seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Hertzler, Kafes, Rose, McBeth, Young

Nay: None

Absent: Pons

Mr. Kafes suggested the Commission consider adding language to the ordinance regarding a fee change.

OPEN FORUM

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment from the audience the Open Forum was closed

SITE PLANS AND SUBDIVISIONS

SPR #06-007: Chesapeake Bank, 1229 Lafayette Street – new office building, was approved under the consent agenda.

OLD BUSINESS - None

NEW BUSINESS - None

OTHER

Appointment to Site Plan Review Committee

Chairman Young announced that Mr. Kafes has agreed to fill the position on the Site Plan Review Committee vacated by Charles Friend's resignation.

Beautification Advisory Committee

Commission representative on the Beautification Advisory Committee, Bill Kafes, gave a report on the recent meeting. He said the principal function of the Committee is the annual presentation of the Beautification Awards. Applications for the awards will be available May 22 with deadline for submittal July 7. The award ceremony will be part of the Planning Commission meeting on September 20.

INFORMATION ITEMS

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

There being no further business the meeting adjourned at 4:15 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR MAY 17, 2006

PCR #06-010: Request of Bina Thakkar to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Division 9. Tourist Business District B-2, Sec. 21-324(4.1) to allow an employer to lease rooms for employees only from an existing hotel or motel with a special use permit, and with a minimum of 10 rooms leased and a maximum of not more than 50 percent of the total number of rooms in the hotel or motel.

PCR #06-011: Request of Busch Entertainment Corp. for a special use permit to lease 20 rooms in the Econo-Lodge Motel at 442 Parkway Drive to house 80 Russian students (four students per room) to work at Water Country, U.S.A., from May 15, 2006 through September 30, 2006. This property is zoned B-2 Tourist Business District. This request is contingent upon approval of the zoning text amendment in PCR #06-010.

PCR #06-012: Request of Roseland Property Company for a special use permit to reduce the side yard requirement Apartment Building #2, part of the High Street Williamsburg Development, 1424-1446 Richmond Road and 150-176 Ironbound Road. This property is zoned ED-2 Economic Development District. Because of modifications made as the building plans have been refined, it is proposed to reduce the side yard for apartment building #2 from the required 15 feet to three feet. This change is proposed in order to retain the axial relationship of the residential section of the development - the ED-2 District regulations permit reductions to be considered in order to allow an innovative or creative layout and to allow buildings to relate better to the streetscape.